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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JUSTIN RIDER,  
Plaintiff,  
v.  
D. TRISTAN et al.,  
Defendants.

2:16-cv-02633-RFB-PAL

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a county inmate who was in custody of the Nevada Department of Corrections (“NDOC”) as a “safe keeper” inmate. Plaintiff has submitted an application to proceed *in forma pauperis*. (ECF No. 1). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on March 31, 2017. (ECF No. 28). The screening order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 28, 30). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 32).

For the foregoing reasons, IT IS ORDERED that:

1. Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) is GRANTED. Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).
2. The movant herein is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This

1 order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or  
2 service of subpoenas at government expense.

3         3. Pursuant to 28 U.S.C. § 1915(b)(2), the Esmeralda County Sheriff's Office shall  
4 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding  
5 month's deposits to Plaintiff's account (**Justin Rider, #12769**), in the months that the account  
6 exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk of the  
7 Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office. The Clerk  
8 of the Court shall also **SEND** a copy of this order to the attention of the Esmeralda County  
9 Sheriff's Office Accounting Supervisor, P.O. Box 520, Goldfield, Nevada, 89013. If Plaintiff  
10 should be transferred and become under the care of the Nevada Department of Corrections,  
11 the Esmeralda County Sheriff's Office Accounting Supervisor is directed to send a copy of this  
12 order to the attention of the Chief of Inmate Services for the Nevada Department of  
13 Corrections, P.O. Box 7011, Carson City, NV 89702, indicating the amount that Plaintiff has  
14 paid toward his filing fee, so that funds may continue to be deducted from Plaintiff's account.

15         4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy  
16 of Plaintiff's amended complaint (ECF No. 27) on the Office of the Attorney General of the  
17 State of Nevada, attention Traci Plotnick.

18         5. Service must be perfected within ninety (90) days from the date of this order  
19 pursuant to Fed. R. Civ. P. 4(m).

20         6. Subject to the findings of the screening order (ECF No. 28), within **twenty-one**  
21 **(21) days** of the date of entry of this order, the Attorney General's Office shall file a notice  
22 advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts  
23 service; (b) the names of the defendants for whom it does not accept service, and (c) the  
24 names of the defendants for whom it is filing the last-known-address information under seal.  
25 As to any of the named defendants for whom the Attorney General's Office cannot accept  
26 service, the Office shall file, *under seal*, but shall not serve the inmate Plaintiff the last known  
27 address(es) of those defendant(s) for whom it has such information. If the last known address  
28 of the defendant(s) is a post office box, the Attorney General's Office shall attempt to obtain

1 and provide the last known physical address(es).

2 7. If service cannot be accepted for any of the named defendant(s), Plaintiff shall  
3 file a motion identifying the unserved defendant(s), requesting issuance of a summons, and  
4 specifying a full name and address for the defendant(s). For the defendant(s) as to which the  
5 Attorney General has not provided last-known-address information, Plaintiff shall provide the  
6 full name and address for the defendant(s).

7 8. If the Attorney General accepts service of process for any named defendant(s),  
8 such defendant(s) shall file and serve an answer or other response to the amended complaint  
9 within **sixty (60) days** from the date of this order.

10 9. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has been  
11 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document  
12 submitted for consideration by the Court. Plaintiff shall include with the original document  
13 submitted for filing a certificate stating the date that a true and correct copy of the document  
14 was mailed or electronically filed to the defendants or counsel for the defendants. If counsel  
15 has entered a notice of appearance, Plaintiff shall direct service to the individual attorney  
16 named in the notice of appearance, at the physical or electronic address stated therein. The  
17 Court may disregard any document received by a district judge or magistrate judge which has  
18 not been filed with the Clerk, and any document received by a district judge, magistrate judge,  
19 or the Clerk which fails to include a certificate showing proper service.

20  
21 DATED: This 30th day of June, 2017.

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24 United States Magistrate Judge